

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

NES EQUIPMENT RENTALS, L.P.

PLAINTIFF

V.

CAUSE NO.: 3:07CV76-SA-SAA

**HARVEY C. GREEN CONSTRUCTION
COMPANY, INC.**

DEFENDANT/THIRD PARTY PLAINTFF

V.

MANDAL'S, INC.

THIRD PARTY DEFENDANT

ORDER GRANTING JOINT MOTION TO SUBMIT TRIAL BRIEFS

This cause comes on for consideration on the parties' joint motion to submit trial briefs in lieu of a jury trial [58]. The Court finds as follows:

The parties file this motion to submit trial briefs in lieu of a jury trial. The parties are in agreement that no disputes of material facts exist. Further, the parties state that if any issues remain after the Court rules on the motions for summary judgment, then all the parties agree there is no need for a jury trial of this matter, and all remaining claims or issues are pure issues of law.

The Court, therefore, **GRANTS** the Motion to Submit Trial Briefs. The parties are hereby instructed to submit trial briefs within thirty days of the Court's order on summary judgment if there are claims/issues remaining.

So **ORDERED**, this the 3rd day of September, 2008.

**/s/ Sharion Aycock
U.S. DISTRICT COURT JUDGE**